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File No. Laq II / 51 (N)

Legal Deptt.

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Subject:—

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Notifications under the Land Acquisitions Act, 1894

File No. Laq. II / 57 (N)

Gen. 194 e.

2906-13

Legal Department.

From the order issued by the Collector of Nasik, it appears that the lands in question were requisitioned by the Collector on behalf of the Central Government under rule 75A of of the Defence ofIndia Rules, the powers under which were delegated to the Collector under the Government of India, Defence Co-ordination Department Notification, No. 1336-OR/1/42 dated the 25th April 1942. The Collector in his order has further directed that the possession of the said property be delivered to the Military Authorities on such date after the receipt of the order as the Military Authorities may appoint. The expression "requisitioned lands" has been defined in section 2(4) of the Requisitioned Lands (Continuance of Powers) Act, 1947, to mean immoveable property which at the commencement of this Act is subject to any requisition, effected under the Rules made under the Defence of India Act, 1939. Section 3 of the Act provides that all requisitioned lands shall continue to be subject to requisition until the expiry of this Act and the appropriate Government may may use or deal with any requisitioned land in such manner as may appear to it to be expedient. Section 5 of the Said Act provides that the appropriate Government may at any time, when any requisitioned land continues subject to requisition under section 3, acquire such land by publication in Official Gazette a notice to the effect that in pursuance of the section. The expression "appropriate Government" is defined in section 2(1) to mean, in relation to any

to any requisitioned land, the Central or Provincial Government by which or under the authority of which the land has been requisitioned. In the case under consideration the land appears to have been requisitioned by the Collector of Nasik under the authority of the Central Government as will be seen from the preamble of the Collector's order No. LND/502 (iii), dated the 8th February 1943. That being the case, the Central Government alone is competent to acquire them under section 5 of the Act. The order issued by the Government in the Home Department letter No. 4574/50-I dated 20th June 1948 directing the Collector of Nasik to acquire the said land for the purpose of constructing new buildings for Beggar's Home would not be valid for the reasons stated above. The question of appointing an arbitrator to determine the amount of compensation payable in respect of the lands acquired does not, therefore, survive.

Additional Secretary to Government.

J.R. to [illegible] No. 1758, dated the 30th January, 1951.

SSM / 18/7/56.